

Key Number: 134-06800-0869

State Identification Number: 79-06-11-200-008.000-029

COMMITMENT

Commitment made on July 16, 2015 by ZAC, LLC (the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment with the knowledge and consent of Citation Homes, Inc. who is the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 20.623 acre tract of land situated on the south side of Cumberland Ave., west of new U.S. 231, City Of West Lafayette, and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.
1. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from NB to R3W which request is pending before the APC as case no. Z-2620.
2. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z-2620:
 - a. Increase in maximum vegetative cover from 30% to 31% (UZO 2-10-7);
 - b. Reduce maximum coverage of all buildings from 40% to 35% (UZO 2-10-7);
 - c. Reduce maximum building height from 14' at the finished floor of the upper story to 29' measured from ground floor to the top of the roof of all structures (UZO 2-10-7); and
 - d. Increase minimum bufferyard plant units from no bufferyard along the southern portion of the Real Estate to a 20'-wide Class C bufferyard utilizing, where appropriate, existing vegetative cover (i.e. trees, etc.).
3. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z-2620. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-2620 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.
4. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

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1. Petitioner has filed a request (with the consent of the Owner) with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from NB to R3W which request is pending before the APC as case no. Z-2620.

2. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. Z-2620:

- a. Increase in minimum vegetative cover from 30% to 31% (UZO 2-10-7);
- b. Reduce maximum coverage of all buildings from 40% to 35% (UZO 2-10-7);
- c. Reduce maximum building height from 14' at the finished floor of the upper story to 29' measured from ground floor to the top of the roof of all structures (UZO 2-10-7); and
- d. Increase minimum bufferyard plant units from no bufferyard along the southern portion of the Real Estate to a 20'-wide Class C bufferyard utilizing, where appropriate, existing vegetative cover (i.e. trees, etc.).

3. Petitioner understands and agrees that this commitment is given to the APC and the City of West Lafayette (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. Z-2620. Petitioner further understands and agrees that the approval of the rezoning request in case no. Z-2620 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

4. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

EXHIBIT A

Part of the real estate in the estate of Elizabeth C. Swanson (deceased) recorded in Deed Record 9502387 in the Office of the Tippecanoe County Recorder and being part of Section 11, Township 23 North, Range 5 West, Wabash Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of Section 11, being marked by a Berntsen Monument; thence North 88°43'04" East along the South Line of said Northwest Quarter 1308.05 feet to a 15" square concrete fence post, being the Southwest Corner of the Southeast Quarter of the Northwest Quarter; thence South 00°24'27" East along the West Line of the Southeast Quarter of the Northwest Quarter 70.66 feet to the south line of the real estate conveyed to Tippecanoe County, Indiana, as per Warranty Deed recorded as Document Number 201111003214 in said Recorder's Office, and the Point of Beginning of this description; thence along said south line the following five (5) courses:

- (1) easterly on a non-tangent curve to the left, having a radius of 1570.00 feet and a central angle of 26°20'41", an arc distance of 721.89 feet (said arc being subtended by a chord having a bearing of North 71°48'21" East and a length of 715.55 feet);
- (2) North 58°38'00" East 459.06 feet;
- (3) North 61°29'45" East 100.12 feet;
- (4) North 58°38'00" East 400.00 feet;
- (5) North 69°56'36" East 147.43 feet to the north line of said Swanson real estate; thence North 88° 39' 17" East along said north line 192.08 feet; thence South 29°52'46" East 361.67 feet; thence South 05°54'31" East 345.60 feet; thence South 01°23'05" East 136.22 feet to a fence post; thence South 88°52'43" West, along the north lines of Randolph and Marilyn Leigh (D.R. 9508440), Wakerobin Estates II Subdivision, Phase 3 (D.R. 04026631), Wakerobin Estates II Subdivision, Phase 2 (D.R. 0207763) and Wakerobin Estates II Subdivision, Phase 1 (D.R. 9826792), a distance of 2050.80 feet to a rebar at the northwest corner of Lot 53 in Wakerobin Estates II Subdivision, Phase 1, being on the West Line of the Northeast Quarter of said Southwest Quarter; thence North 00°24'27" West along said West Line 60.25 feet to the Point of Beginning, containing 20.623 Acres, more or less.

Subject to all easements, rights-of-way, restrictions, and covenants of record.